

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORNELL WILDER,

No. C 08-1129 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

JOHN MARSHALL,

Respondent.

This is a habeas case brought pro se by a state prisoner to challenge denial of parole. Petitioner was convicted in Alameda County, which is in this district, and he is incarcerated at the California Men's Colony, San Luis Obispo, which is in the Central District.

Because petitioner's claim is about the denial of parole, it is a challenge to the execution of his sentence, rather than the validity of it. Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition is **TRANSFERRED** to the United States District Court for the Central District of California.

IT IS SO ORDERED.

Dated: March 3, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CORNELL WILDER,
Plaintiff,

Case Number: CV08-01129 WHA

CERTIFICATE OF SERVICE

v.

JOHN MARSHALL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 4, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Cornell Wilder
C-16564/ U-1, D-4, L-1, West
California Men's Colony
PO Box 8103
San Luis Obispo, CA 93403-8103

Dated: March 4, 2008

Richard W. Wieking, Clerk
By: D. Toland, Deputy Clerk